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June 7, 2017

Via Federal Express

Katherine Incantalupo
Law Clerk to the Honorable Lewis A. Kaplan
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: Kleeberg, et al. v. Lester Eber, et al.
Civil Action No. 1:16-cv-09517-LAK

Dear Ms. Incantalupo:

As you are aware, our office previously filed a Motion to Dismiss on behalf of Defendant, The Canandaigua National Bank and Trust Company ("CNB's"), in the above-captioned matter. The Monroe County Surrogate, Hon. John M. Owens, recently issued an Order judicially settling CNB's Final Account, a copy of which is enclosed. As a result of this Order, we intend to amend our prior Motion to address additional factual and legal issues. If the Court will permit us to do so, we expect to have the Amended Motion filed on or before June 19, 2017.

Respectfully submitted,

WOODS OVIATT GILMAN LLP

A handwritten signature in black ink, appearing to read "WGB", is written over the text "WOODS OVIATT GILMAN LLP". Below the signature, the name "William G. Bauer" is printed in a smaller, sans-serif font.

WGB/eah
Enclosure

cc: Robert B. Calihan, Esq. (*via email w/o encl.*)
Paul F. Keneally, Esq. (*via email w/o encl.*)
Brian C. Brook, Esq. (*via email w/o encl.*)